IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY EIGHTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 9171 of 2005

Between:

P. Malakshmamma W/o. Malakondaiah
R/o. Mogilicherla Village, Lingasamudram Mandal, Prakasam District.

..... PETITIONER

AND

1 Commissioner, Appeals O/o. Chief Commissioner of Land Administration, A.P. Hyderabad.
2 Joint Collector, Prakasam District, Onogle.
3 Mandal Revenue Officer, Lingasamudram Mandal, Prakasam District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ order more particularly one in the nature of Writ of Mandamus or an appropriate writ or order declaring the in action of the 1st Respondent in non disposing of Stay petition filed along with the Revision Petition against the Proceedings Rc.No. E2-2505-2003, dt. 14-3-2005 issued by the 2nd Respondent Joint Collector, Prakasam District, by canceling the patta granted earlier in favour of the petitioner is arbitrary, illegal and unconstitutional and against to the principles of natural justice.

Counsel for the Petitioner: MR.KOTI REDDY IDAMAKANTI

Counsel for the Respondents: GP FOR REVENUE

This Court at the admission stage made the following:

THE HON'BLE MS. JUSTICE G.ROHINI

WRIT PETITION NO.9171 OF 2005

ORDER :

The petitioner claims to be a landless poor person. It is stated that vide proceedings dated 30-06-1999 the third respondent has granted a D-form patta in her favour to an extent of five acres of land situated in Mogilicherla Village, Lingasamudram Mandal, Prakasam District. While so, the 2nd respondent – Joint Collector, Prakasam District, Ongole issued a show-cause notice dated 25-1-2005 calling upon the petitioner to show-cause as to why the said patta should not be cancelled on the ground that she is ineligible for grant of assignment. It appears that the petitioner failed to submit her explanation and consequently by proceedings dated 14-03-2005 the second respondent has cancelled the D-form patta. Aggreived by the same, the petitioner preferred a Revision Petition before the 1st respondent on 8-4-2005 together with an application for stay of the operation of the order dated 14-03-2005. The grievance of the petitioner is that the 1st respondent failed to consider the said Revision Petition and no orders have been passed so far even on her application for stay and in the meanwhile the third respondent is taking steps to dispossess the petitioner from the land in question. Hence, this writ petition.

Having heard the learned Counsel for the petitioner and the learned Government Pleader appearing for the respondents, and keeping in view the petitioner has already preferred a Revision Petition before the 1st respondent – Commissioner of Appeals, without expressing any opinion on merits, I deem it appropriate to dispose of the writ petition with a direction to the first respondent to dispose of the application for stay filed by the petitioner in the Revision Petition preferred against the order of the second respondent dated 14-03-2005 as expeditiously as possible preferably within a period of two weeks from the date of receipt of a copy of this order. Till such time, Status Quo obtaining as on today as to the nature and possession of the land in question shall be maintained. No costs.

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28th April, 2005.

ghn

To

1 Commissioner, Appeals O/o. Chief Commissioner of Land Administration, A.P. Hyderabad.
2 Joint Collector, Prakasam District, Onogle.
3 Mandal Revenue Officer, Lingasamudram Mandal, Prakasam District.

4 Two CCs to the Government Pleader for Revenue, High Court of A.P., Hyderabad. (O.U.T.)

5 Two CD copies.